

**NOTICE OF PUBLIC HEARING
DEPARTMENT OF GAME, FISH AND PARKS**

A Public Hearing will be held at the Cedar Shores Resort, 1500 Shoreline Dr., Oacoma, South Dakota, on June 8, 2017, at 2:00 o'clock P.M. (CDT), to consider adoption, amendment and repeal of Rules pertaining to:

1. Amend ARSD 41:03:04 – Camping Permits and Rules (Park facility use fees).

Effect: The proposed rule would establish facility fees for special events held at the Good Earth State Park visitor center and adjacent grounds.

Reason: State park areas are sought after sites for private gatherings and special events. Given its beautiful setting and close proximity to Sioux Falls, the Good Earth State Park Visitor Center facility will be a popular venue for events such as weddings, reunions and meetings. The proposed fees take into consideration facility expenses, needed staff time and clean-up costs associated with the anticipated rental uses and are comparable to prices charged for similar facility rentals in the Sioux Falls area.

2. Amend ARSD 41:06:01 – Application for License.

Effect: The proposed amendments would add provisions to existing rule which would allow the department secretary to authorize a terminally ill person to hunt outside established season dates; require a resident or nonresident deer hunter who possesses an archery, muzzleloader, youth or mentor deer license to obtain a free access permit to hunt in the newly created East River deer Limited Access Unit 13L; and allow licenses to be issued to nonresident hunters in Unit WRD-58D for the West River prairie deer season.

Reason: Current rule allows the department secretary to authorize terminally ill residents to hunt deer, antelope or turkey during established hunting seasons. Per the request of the Commission, the department is proposing a recommended change to rule which would allow the department secretary to authorize a terminally ill resident to hunt outside established season dates if the resident's illness has advanced to a point justifying

that allowance. The other proposed rule changes are intended to provide big game hunting opportunity consistent with wildlife management objectives.

3. Amend ARSD 41:06:02 – License Forms and Fees (Custer State Park Trophy and Non-Trophy Bison Licenses)

Effect: The proposed amendments would adjust the license fees for a Custer State Park trophy bull bison license from \$5,000.00 to \$6,500.00, and for a Custer State Park non-trophy bull bison license from \$2,250.00 to \$3,250.00.

Reason: Custer State Park's 3-day guided trophy bull bison harvest is the tool used to remove over mature bison bulls (10+ years old) and is a sought after trophy opportunity with most bulls eligible for Boone & Crockett recognition. The last trophy bull bison license fee adjustment occurred in 2007 and established the existing fee of \$5,000.00. The fee increase being requested by the department is consistent with research indicating that currently the average price nationwide for a trophy bison bull hunt is \$6,300.00. Currently, the non-trophy bull bison hunts are undervalued at the existing fee of \$2,250.00 established in 2013. Adjusting the license fee for non-trophy bull bison to reflect the current market price (\$3,250.00) these bulls would realize in the bison market more accurately reflects the true value of this license.

4. Amend ARSD 41:06:16 – Waterfowl Hunting Season (Nonresident Waterfowl Licenses).

Effect: The proposed amendments would reduce the total number of temporary nonresident waterfowl licenses from 2,000 to 1,750; move Brown County from Unit NRW-00Y (northeast SD) to Unit NRW-00X (central/northcentral SD); reduce the total number of nonresident waterfowl licenses in Unit NRW-00X from 1,500 to 1,000 licenses with 500 having a valid start date of December 1 until the end of the waterfowl season; establish a new unit with 250 nonresident waterfowl licenses that includes all of the state except

counties in Units NRW-00A, NRW-11A, NRW-00X, and NRW-00Y; and make all temporary nonresident waterfowl licenses valid on private land only except those in Unit NRW-00Y.

Reason: Provide nonresident waterfowl hunting opportunities based on public input surrounding the topic of nonresident waterfowl license allocations.

5. Amend ARSD 41:06:19 – Black Hills Deer Hunting Season.

Effect: The proposed amendment would adjust the number of licenses which may be issued to residents from no more than 4,100 one-tag deer licenses to no more than 4,300 one-tag deer licenses.

Reason: Provide hunting opportunity consistent with wildlife management objectives.

6. Amend ARSD 41:06:20 – West River Deer Hunting Season.

Effect: The proposed amendments would adjust the number of licenses which may be issued to residents from no more than 14,345 one-tag and 5,420 two-tag deer licenses to no more than 15,340 one-tag and 3,320 two-tag deer licenses; discontinue the split seasons for Gregory and Mellette counties and align with the regular West River deer season (i.e., 16 consecutive days beginning on the Saturday 12 days before Thanksgiving); and change the season date for Unit 24B (Little Moreau) from being open for 23 consecutive days beginning on the first Saturday for November to being open 16 consecutive days beginning on the Saturday 12 days before Thanksgiving.

Reason: Provide hunting opportunity consistent with wildlife management objectives.

7. Amend 41:06:21 – East River Deer Hunting Season.

Effect: The proposed amendments would adjust the number of licenses which may be issued to residents from no more than 17,505 one-tag, 10,175 two-tag and 1,400 three-tag deer licenses to no more than 21,085 one-tag, 5,250 two-tag, and no three-tag deer

licenses; create a new Limited Access Unit (Unit 13L) that would be restricted to Corp of Engineers property, all Game Production Areas, and the Elm Creek Lakeside Use Area immediately adjacent to the Missouri River, all in Brule County, and the Pease Game Production Area in southwest Buffalo County; modify Unit 13A to include all of Brule County excluding that portion located within Unit 13L; and modify Unit 14A to include all of Buffalo County excluding the Pease Game Production Area located within Unit 13L.

Reason: Provide hunting opportunity consistent with wildlife management objectives.

8. Amend ARSD 41:06:22 – Archery Deer Hunting Season.

Effect: The proposed amendments would close units 17A, 25A, 41A, 50A, and 58A, and open units 44A and 62A, all in Unit ARD-LM1; and extend the season closing date for archery deer hunting in Sand Lake National Wildlife Refuge from December 31 to January 15.

Reason: Provide hunting opportunity consistent with wildlife management objectives.

9. Amend ARSD 41:06:36 – National Wildlife Refuge Deer Hunting Season.

Effect: The proposed amendments would adjust the number of licenses which may be issued to residents from no more than 20 one-tag deer licenses to no more than 25 one-tag deer licenses for LaCreek National Wildlife Refuge; adjust the number of licenses which may be issued to residents from no more than 30 one-tag deer licenses to no more than 20 one-tag deer licenses for Waubay National Wildlife Refuge; and restrict all licenses within Waubay National Wildlife Refuge to muzzleloading rifles.

Reason: Provide hunting opportunity consistent with wildlife management objectives.

10. Amend ARSD 41:06:41 – Custer State Park Deer Hunting Season.

Effect: The proposed amendments would adjust the number of one-tag licenses which may be issued from no more than 40 to no more than 64; modify the season dates from 14 consecutive days beginning on the first Saturday of November to November 1-

December 15 with hunting only by bow and arrow allowed from November 1-15 and hunting only by muzzleloader from December 1-15.

Reason: Provide hunting opportunity consistent with wildlife management objectives.

11. Amend ARSD 41:06:45 – General Muzzleloading Deer Hunting Season.

Effect: The proposed amendments would close units 17A, 25A, 41A, 50A, and 58A, and open units 44A and 62A, all in Unit MZD-LM1.

Reason: Provide hunting opportunity consistent with wildlife management objectives.

12. Amend ARSD 41:06:60 – Custer State Park Non-Trophy Bison Harvest.

Effect: The proposed amendments would change the season dates from 47 days beginning the second Monday in January to 47 days beginning the last Monday in October, and reduce the number of cow licenses from five to zero.

Reason: There have been issues with hide condition of bison harvested the last half of the existing non-trophy season (hair slippage which adversely affects the ability of a bison hunter to tan the hide of a harvested animal). Holding the season during January and February has led to challenges in isolating bison selected for harvest separate from the main herd. In addition, thawing conditions during these months can result in resource damage whereas moisture received in the fall is quickly absorbed by the soil thus limiting resource damage. Cow bison for the non-trophy season are selected when the herd is handled and sorted for the auction in October. Criteria for selecting cows for hunts are open and dry (not nursing). Cows are also selected based upon intact horns and adequate body condition. Based upon these selection criteria a reduction in cow tags is warranted due to an inability to select sufficient cows in this classification to support cow hunts.

13. Amend ARSD 41:08:02 – Trapping Prohibitions.

Effect: The proposed amendment would clarify that both traps and snares are prohibited within 30 feet of exposed bait. Current rule does not include snares in the

prohibition.

Reason: The proposed amendment will provide additional protection to airborne raptors who may be attracted to exposed bait located near traps and snares.

The above rule proposals may be modified or amended following receipt of public comment at the hearing to include or exclude matters that are described in this Notice of Hearing. The hearing may be continued from time to time until its business has been completed and may be rescheduled.

Interested persons will be given reasonable opportunity to submit data, opinions, arguments, and their views, either orally or in writing (or both) at the hearing. Persons unable to attend the hearing may mail data, opinions, arguments, and their views to the office of the Secretary of the Department of Game, Fish, and Parks, Foss Building, 523 East Capitol, Pierre, South Dakota 57501, or transmit by email to either wildinfo@state.sd.us or gfpadminrules@state.sd.us. All persons who desire to submit written data, opinions, arguments, and their views by mail or email are encouraged to mail or transmit the same in sufficient time so that it is received by and in the office of the Secretary of the Department of Game, Fish, and Parks on or before 12:00 o'clock P.M. on the date of the hearing. Interested persons will be given reasonable opportunity to submit data, opinions, arguments and their views, either orally or in writing (or both) to the Commission for their consideration. All written and email comments must include the name, home town/city, and state of the person submitting the comments.

The above rule proposals are available for review on the internet by going to <https://rules.sd.gov/> and copies of the proposed rules may be requested from the office of the Secretary of the Department of Game, Fish, and Parks, Foss Building, 523 East Capitol, Pierre, South Dakota 57501. Notice is further given to individuals with disabilities that this hearing is being held in a physically accessible place. Any individuals with disabilities

who will require a reasonable accommodation in order to participate in the hearing should submit a request to the undersigned at 605.773.3718 or 605.223.7684 (Telecommunication Device for the Deaf).

Dated this 10th day of May, 2017.



Kelly R Hepler

Kelly R. Hepler, Secretary

This Notice of Public Hearing is published at the approximate cost of \$_____.